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Written statement* submitted by Friends World Committee for Consultation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The right to food and its relation to trade and investment rules

The Quaker United Nations Office (QUNO), which undertakes the work at the United Nations on behalf of the Friends World Committee for Consultation (Quakers) would like to draw attention to the final report[1] of the UN Special Rapporteur on the Right to Food to the Human Rights Council. In this report, the Special Rapporteur calls for greater coordination to be actioned, at multilateral, regional and national level, to create an enabling international environment for achieving the right to food.

Within the report, there is a call for the design of a new framework for trade and investment in agriculture as a step towards achieving the right to food. The Special Rapporteur notes that, although the "equation" to achieving a new paradigm of such is complex, "it is one that can be solved".[2]

Preceding this, the Special Rapporteur, on the eve of the high-level WTO summit in Bali, Indonesia in December 2013 stated that "Supporting local food production is the first building block on the road to realizing the right to food, and trade must complement local production, not justify its abandonment".[3]

It is good that the Bali summit reached some agreement regarding the freedom to use food reserves to help secure the right to food. Nevertheless, this action is insufficient to secure the right to food. Greater attention needs to be paid to the purpose, structure and direction of the governance of trade and investment in agriculture. To do this, QUNO is stepping back from the current international negotiations relating to trade and investment in agriculture and asking questions about what an ideal framework to govern trade and investment in agriculture should look like.[4]

The current multilateral framework governing international agricultural trade was designed a quarter of a century ago, as part of the World Trade Organization (WTO). As a result, it defines rules for the most prevalent problems of the late 1980s and early 1990s. It proposes solutions based on analysis of the situation at that time and assumptions about how agricultural production, trade and investment would evolve.

Since 2007 however, the situation on world markets for agricultural goods has changed dramatically. International cereal prices have spiked three times in the past five years, and they remain both volatile and high by recent standards. Observers expect volatility to be a continuing feature of food prices in the short to medium term. Alongside this are concerns surrounding the effects of climate change, the marked increase in domestic and foreign investment in agricultural land, mandatory biofuel targets, changing consumption patterns, and market deregulation.

Although the WTO has a multilateral agreement on investment (Agreement on Trade-Related Investment Measures, or TRIMS), there are few binding rules to guide international investment. There has also been less engagement by civil society on the question of investment in agriculture. There has been no agreement among governments on how to establish binding rules in this area that would protect public interests. This has created a poorly regulated space, which some investors have exploited at the expense of communities living in some of the world's poorest countries. More broadly, investment in new agricultural productive capacity, and in food processing and distribution systems, has grown significantly in some parts of the world over the past 10 years, in a context of increasingly deregulated capital flows. The results both reflect and have contributed to a shift in where food is grown and where it is consumed, as well as in what commodities are produced.

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[1] De Schutter (2014) Final: Report of the Special Rapporteur on the right to food: *The transformative potential of the right to food.* A/HRC/25/57

[2] De Schutter (2014) Final: Report of the Special Rapporteur on the right to food: *The transformative potential of the right to food.* A/HRC/25/57, para.29

[3] http://www.srfood.org/en/bali-package-must-allow-ambitious-food-security-policies-un-expert-on-wto-summit

[4] Detailed information on the work can be found at: http://www.quno.org/areas-of-work/agricultural-trade-and-investment;

Many observers argue that the export-oriented nature of the WTO Agreement on Agriculture (AoA), and its objective of increasing trade in agricultural products, was too one-sided. They argue that the AoA ignores the fact that agriculture is not only a complex area of policy, but also provides a basis for food security, livelihoods, employment and development in ways that often escape monetary quantification. Others question the existing rules from a trade perspective.

Many economists, politicians, NGOs and trade diplomats agree that WTO and other international rules relating to trade and investment in agriculture are in need of a fresh examination.[5] This provides an opportunity for governments and civil society to think anew about what the global governance of trade and investment in agriculture should look like.

The time is ripe that, through sharing expertise and experience, we can jointly consider what is needed in rules for trade and investment in agriculture if the Right to Food is one of the objectives.

Some level of agricultural trade makes sense yet something as fundamental as food should not be treated as just another commodity.

By placing people's human rights and dignity alongside sustainability and food security as the central objectives of agricultural trade, it is possible to conceive a framework of rules governing trade and investment in agriculture.

The framework must be adaptable to the evolving complexities of the world today and in the future, a framework that recognizes the importance of global institutions such as the Committee on Food Security,[6] as well as other levels of governance, whether regional, national or sub-national.

The multilateral framework is a potentially valuable context for developing, implementing and administering a set of principles and rules for trade and investment in agriculture. A new framework should uphold the right to food and give a voice to the world's most vulnerable and marginalized inhabitants.

It is possible to significantly improve the ability of all people, at all times, to have physical, social and economic access to sufficient, safe, culturally appropriate and nutritious food that meets their dietary needs and food preferences for active and healthy lives. This is achievable in a way that is sustainable and that respects people, their culture and their environment. Trade and investment should be recognized as two of many tools to this end. They are not ends in themselves.

Friends World Committee for Consultation (Quakers) calls on the Human Rights Council to:

- Pay more attention to the inter-linkages between trade and investment rules (including intellectual property rules) and the right to food;

- Encourage the design of alternative approaches to trade and investment rules with people, sustainability and food at the centre and where trade and investment rules are considered as one potential tool to achieve the right to food; and to

- Encourage the creation of an enabling international legal environment that supports domestic efforts towards the realization of the right to food.

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[5] This is borne out, inter alia, by a survey that QUNO undertook in 2013. The results and analysis of the survey will be available at www.quno.org in March 2014.

[6] http://www.fao.org/cfs/cfs-home/en/